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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,152	11/24/2003	Patrick Fisseler	20.2897	1151

23718 7590 11/21/2005

SCHLUMBERGER OILFIELD SERVICES
200 GILLINGHAM LANE
MD 200-9
SUGAR LAND, TX 77478

EXAMINER

NEUDER, WILLIAM P

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/707,152	Applicant(s) FISSELER ET AL.	
	Examiner William P. Neuder	Art Unit 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-83 and 85-87 is/are allowed.
- 6) ☒ Claim(s) 1-4, 10-14, 19 and 84 is/are rejected.
- 7) ☒ Claim(s) 5-9 and 15-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4,10,11,13,14,19 and 84 are rejected under 35 U.S.C. 102(b) as being anticipated by Schlumberger Holdings Limited EP 0978630.

Schlumberger discloses an apparatus and method for acquiring information from a subsurface formation while drilling. A tubular body 300 is connected in a drill string through pin 304 and box 306 ends. The body has one or more protuberances 314 along the body. These protuberances define an expanded axial portion. Probes 330 are carried on the protuberances 314 along the body. The expanded cross-sectional area of the expanded axial portion is a minimum. An actuator 318 is carried in the body to actuate the probes. The extended position of the probe engages the wall of the borehole. As to claims 2-4, body 300 is in the form of a stabilizer. A stabilizer is also a drill collar and is considered a centralizer. As to claim 10, the probe includes a conduit disposed within an annular seal (see figure 2). As to claim 11, the actuator is a hydraulic actuator. As to claim 13, sensor 344 is placed in fluid communication with the conduit. As to claim 14, the sensor is a pressure sensor. As to claim 19, the probe is cylindrical and carried within a bore found in the protuberance. As to method claim 84, the probe is selectively extended for acquiring information from the formation.

Claims 1-4,10-14,19 and 84 are rejected under 35 U.S.C. 102(e) as being anticipated by Ciglenec et al 2004/0160858

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Ciglenec discloses an apparatus and method for acquiring information from a formation. A tubular body 300 is connected in a drill string 12. Protuberances 314 are provided on the body. Probes 210 are carried on the protuberances for extension and retraction. The cross-sectional area of the expanded section is a minimum. The body carries an actuator for moving the probe between extended and retracted positions (see figure 2). The probe engages the borehole wall when extended. As to claims 2-4, the tool is in the form of a stabilizer that is considered both a drill collar and a centralizer. As to claim 10, a conduit is disposed between an annular seal 414. As to claim 11, the actuator is a hydraulic control system (see figure 2). As to claim 13, the actuator employs electric power to move the probe (see figure 5). As to claim 13, a sensor 360 is in communication with the conduit. As to claim 14, the sensor is a pressure sensor. As to claim 19, the probe is cylindrical and carried in a bore provided in the tool body. As to method claim 84, the probe is selectively extendable into engagement with the borehole wall to take formation measurements while drilling.

Allowable Subject Matter

Claims 5-9 and 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 20-83 and 85-87 are allowed.

Response to Arguments

Applicant's arguments filed 10/14/05 have been fully considered but they are not persuasive. Applicant's only argument is to the effect that the references to Ciglenec (which is both of the applied references) do not disclose or teach the claim limitation "where the cross-sectional area of the expanded axial portion is a minimum." Applicant supports this argument by stating that the specification sets forth in order to reduce the viscosity effects when the tool is operated and fluids are circulated in the wellbore, is desirable to increase the flowline area in the annulus, thus reducing fluid viscosity near the probe. The cross-sectional area is kept to a minimum resulting in a larger flowing area in the annulus and thus reducing fluid viscosity near the probe. Applicant further states that neither Ciglenec reference is concerned with the problem of fluid flow in the wellbore or velocity effects. While this may be true, the only claim limitation is "the cross-sectional area of the axial portion is a minimum". Applicant cannot try to place limitations into the claim concerning fluid flow, viscosity, when the claim limitation is simply at a minimum. The definition of minimum has nothing to do with fluid flow or viscosity. Since the term minimum is a relative term, any tool would be at a minimum or

at a maximum at any time. No definition as to the meaning of minimum can be found in the specification; clearly the tools of Ciglenec are at a minimum.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Neuder whose telephone number is 571-272-7032. The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William P Neuder
Primary Examiner
Art Unit 3672

W.P.N.